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Tennessee desegregation began soon after the Supreme Court school segregation decision in 1954. There were some instances of community violence which attracted national attention, but the court-ordered desegregation actually took place in each instance, despite scattered disorders.

Desegregation experience in Tennessee has been uneven because of extreme variety of conditions. The western part of the State is Southern-oriented; many western communities have large Negro populations. Middle Tennessee, although rather heavily populated by Negroes, is substantially less Southern in its outlook. East Tennessee has fewer Negroes, but the mountain environment has made desegregation difficult. The cities of Memphis, Nashville, Chattanooga, and Knoxville, and the counties of Davidson, Humphreys, Wilson, and Knox are discussed in the report in regard to the school desegregation patterns of their particular localities. The Nashville city school system employed use of the grade-a-year plan, beginning in the first grade, and has become a model of desegregation for many other systems over the country, despite several demonstrations and violent actions accompanying the process. The story of desegregation in Memphis is treated separately and more extensively in the report. Memphis, by 1962, had broken sharply with many characteristics of its long past and had achieved desegregation in an orderly manner which gave its citizens, Negro and white, reason for pride.

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Public Schools: Southern States

1962

TENNESSEE

By Eugene G. Wyatt and G. W. Foster, Jr.

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A Report To

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

Bennett O. Stalvey

Part 3. Tennessee

Introduction

Tennessee desegregation began quite soon after the Supreme Court decision in the *School Segregation Cases*. There were some instances of community dislocation and violence which attracted national attention. However, unlike some other areas, the court-ordered desegregation in Tennessee actually took place in each instance despite scattered disorders.

The Oak Ridge school system, under Federal control at the time, integrated its facilities in the fall of 1955. Today, an estimated 100 of the city's 272 Negro students are in desegregated situations. The other Negro students attend an all-Negro elementary school in a detached section of the city populated almost entirely by their race.

The first desegregation under local control took place at Clinton, in the Anderson County school system. There are few Negroes in this county (currently 64 school children) and the practice had been to transport all Negro students out of the county for their high school education. An order by a Federal court to admit Negroes to the Clinton High School in the fall of 1956 [1] resulted in such agitation that National Guard units using tanks and tear gas were necessary to restore order. Today, Anderson County Negroes are still attending a segregated elementary school, but 20 Negroes are enrolled in the white high school.

The Nashville city school system, which now numbers the school population as nearly half Negro, began desegregation in the fall of 1957 under court order.[2] Its grade-a-year plan, beginning in the first grade, has become a model for many other systems over the country. Nashville's desegregation also was not peaceful. There were several demonstrations at schools on registration days, and one almost-new school was badly damaged by a bomb. There have been no arrests in the bomb episode. Later, a Jewish community center was damaged

[1] *McSwain* v. *County Board of Education of Anderson County*, 138 F. Supp. 370 (E.D. Tenn. 1956), 1 *Race Rel. L. Rep.* 317 (1956).

[2] *Kelley* v. *Board of Education of Nashville*, Civ. No. 2094, M.D. Tenn., Jan. 21, 1957, and July 17, 1959, 2 *Race Rel. L. Rep.* 21 (1957) and 3 *Race Rel. L. Rep.* 651 (1958).

by another blast in an incident generally regarded as connected with desegregation efforts.

At the close of the 1961–62 school year, 17 of the State's 143 biracial school districts were nominally desegregated. Some of these were by court order, and eight "voluntary," although several of the latter efforts actually took place after litigation was filed or threatened. Three of the nominally desegregated school systems actually have no Negroes enrolled with whites. Of the State's 155,500 Negro pupils, 1,167 were in schools with whites—although this figure is deceptive, since 540 of these students are in one school in Nashville with only two non-Negroes—a white and a Chinese-American child. In addition to these, court-ordered desegregation will begin in Obion County [3] and Chattanooga [4] in the fall of 1962. Voluntary desegregation is scheduled at the same time for Hamilton County (which surrounds Chattanooga), Dickson County, and school districts at Bristol and Franklin. All of the latter are grade-a-year programs.

Tennessee desegregation has been affected relatively little by legislation. Acts passed in 1957 set up pupil assignment criteria,[5] permitted segregation by sex,[6] required registration for racial organizations and solicitors,[7] and permitted voluntary segregation.[8] (The latter act was declared unconstitutional in the *Nashville* school case.)[9] Only one relevant act has been approved since then, and that modified the compulsory attendance law without mention of race.[10] Only the pupil assignment law has been used to any substantial degree, and that less than in most other desegregating States. In the *Wilson County* case,[11] the Federal court refused to allow the act to be considered a desegregation plan by itself. Memphis, which used the act as a basis for desegregation, has been advised by the Court of Appeals for the Sixth Circuit that more must be done.[12]

Desegregation experience in Tennessee has been uneven, mostly because of the extreme variety of conditions existing in the State. The western part of the State is southern-oriented, still dependent to a considerable degree on a cotton economy. Many western areas have

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[3] *Vick* v. *County Board of Education of Obion County*, 205 F. Supp. 436 (W.D. Tenn. 1962).

[4] *Mapp* v. *Board of Education of the City of Chattanooga*, 203 F. Supp. 843 (E.D. Tenn., 1962), 7 *Race Rel. L. Rep.* 25 (1962).

[5] Tenn. Acts 1957, ch. 13, p. 40.

[6] *Ibid.*

[7] Tenn. Acts 1957, ch. 152, p. 2.

[8] Tenn. Acts 1957, ch. 11, p. 36.

[9] *Kelley* v. *Board of Education of Nashville*, Civ. No. 2094, M.D. Tenn., Sept. 6, 1957, 2 *Race Rel. L. Rep.* 970 (1957).

[10] Tenn. Acts 1959, ch. 289, p. 894.

[11] *Sloan* v. *Tenth School District of Wilson County*, Civ. No. 3107, M.D. Tenn., Nov. 22, 1961, 6 *Race Rel. L. Rep.* 999 (1961).

[12] *Northcross* v. *Board of Education of the City of Memphis*, 302 F. 2d 818 (6th Cir. 1962), 7 *Race Rel. L. Rep.* 40 (1962), *cert. denied*, 370 U.S. 944 (1962).

very large Negro populations. Middle Tennessee, although rather heavily populated by Negroes, is substantially less southern in its outlook. East Tennessee has fewer Negroes, but many areas have a mountain insularity which makes desegregation difficult. In addition, two of the State's largest urban centers—Memphis and Chattanooga—are actually trade centers for large areas of Mississippi and Georgia, and to a considerable extent reflect the racial attitudes of those areas.

Educators in the three parts of the State, however, report many problems in common. The most frequently met complaint is that Negro students average 1½ to 2 years behind grade level when they are transferred to white schools in the upper grades. Negro leaders see this as additional evidence of the inferiority of the segregated Negro elementary schools. On the other hand, the Nashville school superintendent, who has dealt with biracial student bodies longer than any other official in the State, reports that Negro students transferred to white schools in the earlier grades generally are performing adequately.

This problem is not limited to students. One large urban center reports that of 901 Negroes academically qualified to take the national teacher examination, only 49 percent passed. Of the 783 qualified white teachers, more than 97 percent passed. In most of the State's school systems, officials report that Negro teachers actually earn more than white teachers, because of longer tenure and an inclination to acquire more graduate degrees. Although State officials say no Negro teacher has yet been fired because of desegregation, it is probable that fewer have been hired than would have been necessary for the segregated schools. Also, it is probable that one teacher will be dismissed in the Humphreys County system in the fall of 1962 because of transfers from the only Negro school.

Tennessee has seven State colleges and universities. All now have policies of desegregation, but in fact two have no Negro students. The State university for Negroes has three non-Negroes, all of whom are middle eastern natives. The first admission of Negroes to graduate schools in the white university at Knoxville came as the result of a court order in 1952;[13] the undergraduate schools did not desegregate until January, 1961, during litigation. The other State colleges were desegregated between 1956 and 1959. Currently there are 243 Negroes in predominantly white State colleges and universities. Of these, the largest number—97—are at the Knoxville campus of the university, where they comprise slightly less than 1 percent of the student body.

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[13] *Gray* v. *University of Tennessee*, 342 U.S. 517 (1952).

Vanderbilt University, a private institution, has recently announced a policy of admission without regard to race in all of its schools. Certain schools at Vanderbilt—Law, Divinity, and some of the graduate schools—have been desegregated since 1957. There have been a number of Negro graduates. George Peabody Teachers College apparently has a policy of desegregation for its summer graduate program. Scarritt College has been completely desegregated for many years.

One Negro teacher is employed in the Oak Ridge desegregated high school. All others in the State remain in fully segregated situations, although there are several integrated teacher organizations and workshops frequently are biracial. Specific requests for teacher integration have been made in several lawsuits, but judgment on this issue has been reserved by the courts, notably in the *Humphreys* [14] and *Wilson* [15] cases.

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[14] *Boyce* v. *County Board of Education of Humphreys County,* Civ. No. 3130, M.D. Tenn., Dec. 21, 1961.

[15] *Supra,* note 11.

Nashville and Davidson County

NASHVILLE

After 5 years of experience with the grade-a-year desegregation program which was devised by the Nashville school board during litigation in 1956 and 1957, City Superintendent W. H. Oliver still believes it is the best plan for the conditions and attitudes which have prevailed in Nashville during that time. It has resulted in a considerable number of Negro children attending classes with whites—810 during the course of the 1961–62 school year. As noted earlier, all but 270 of these are in one elementary school with two non-Negroes. There are 13,317 Negro and 16,960 white students in the school system. A recent program of annexation by the city will nearly double the number of white students while adding relatively few Negroes.

Before the desegregation litigation, Nashville's school zoning system was dual—an entirely different set of school attendance zones for each race. After the court order, new zones were devised. Actual zoning is made by the finance committee of the board of education, but recommendations made by the superintendent in consultation with principals of the various schools are usually followed. These have always been fluid as population patterns change. The new zones were geographic, but because of racial housing patterns, there are many all-Negro and all-white areas. However, no Negro has ever complained to the school board of gerrymandering. Street descriptions of zones are available at the individual schools, but no map or general description of the zoning has been made public.

Under the Nashville plan, white children in a predominantly Negro zone may transfer to a white school, and Negroes in a predominantly white zone may transfer to a Negro school. After 3 years of desegregation, only 13 percent of the Negroes eligible to attend white schools were doing so. No exact figures are available for the 1961–62 year, but school officials estimate the percentage is appreciably higher—perhaps 20 percent. After 3 years, there were no whites in Negro zones attending a Negro school. Last year, there were only the two attending the Negro Pearl Elementary School. There have been no

Preface

In gathering factual material and background for this report, the author personally interviewed school officials, white and Negro leaders, teachers, and parents of schoolchildren in the various communities surveyed. Their personal observations and opinions have been included in this report where they seemed pertinent to an understanding of the developments recorded.

Much of the factual material presented was obtained from school officials who were invariably cooperative. Their assistance in this regard is appreciated by the author.

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Vanderbilt University School of Law,
Nashville, Tenn.

AUGUST 1, 1962.

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recent figures compiled on the number of whites originally assigned to Negro schools, but when desegregation began in 1957 there were 55, all in the first grade. Projecting this known figure to five grades, the total number would have been 275 in 1961–62.

Each student is automatically assigned to the school in his residential zone. Reassignment request is required of both Negroes and whites. Once a child is transferred to a school outside the district, he may stay there until he moves or graduates to a higher level. He may, however, request assignment back to the school in his own district at the beginning of each year. In practice, many Negroes have entered predominantly white schools at each of the desegregated grade levels. The procedure for requesting reassignment involves only filling out this form:

Date_____

Mr. Wm. Henry Oliver,
Superintendent of City Schools,
Nashville, Tenn.

Dear Mr. Oliver: As parents, or guardians, or those acting in the position of parents, of_____ student living at_____
(name of child) (grade) (street address)

in the_____ school zone, we respectfully request that our child be transferred to another school.

_____ _____ _____
(1st choice) (2nd choice) (3rd choice)

Our reasons for making this request are_____

_____

_____

(Reverse side may be used for additional remarks or explanations.)

Yours very truly,

Telephone No._____

_____
(Parents' signature)

The superintendent has made it a practice to examine and act personally on every request. None has been refused which satisfied the racial criteria of the plan. Very few parents have specified more than a first choice for transfer, and it has been possible thus far to grant all these first requests. Most white parents list racial grounds as the reason for transfer. Negro parents requesting enrollment of their children in all-Negro schools assign other reasons. Some of these for the 1961–62 school year are:

Charles won't have to cross a highway if he goes to X school.
Because my other children attend X school.
Arthur has been ill and I prefer he go to familiar people.
My children have many friends at X school.
We prefer an all-colored school until desegregation is a little further along.

One Negro who lives in an area reclassified from white to Negro because the white school was closed, was allowed to go to another white school even though his race then predominated in the school of his residential zone.

Of the 10 Negroes who stayed in white schools throughout the first grade in 1957–58, five remain in desegregated fifth grades. The others have transferred to Negro schools either by choice or because their homes were moved. Of the five still in desegregated situations, four are performing satisfactory grade-level work; one has failed.

No recent figures on performance of these children are available, but a school psychologist made a study in 1960 when five of the desegregated children were still in the third grade and five had transferred back to all-Negro schools. Of the five in desegregated schools, three had achievement scores at or above the median for their classes; one was slightly below the median; and the fifth was well behind. Among the Negroes transferring back to segregated situations, all were doing above-average work as compared with their classmates except one, a child with an intelligence quotient of 76. In the white schools, three of the Negroes had IQ's above their classmates, and two below. In the Negro schools, four of the transferees from desegregated schools had IQ's very substantially above their classmates. For all Negro third grades in Nashville, the median achievement score was one-half year behind that in white third grades.

Superintendent Oliver reports substantially more difficulty with Negro students entering desegregated situations in upper grades—there are now 21 in the fifth grade who began their education in segregated schools. Most of the difficulties he ascribes to problems of social adjustment, although the cumulative effect of the generally lower achievement in the Negro schools is credited with some responsibility for this situation.

Most pressure for desegregation of Nashville schools has been exerted by the National Association for the Advancement of Colored People and by the Committee on Racial Equality. School officials believe these organizations are maintaining a continuing program to encourage Negro parents to enroll their children in the white schools for which they are eligible. There were several ad hoc organizations formed in 1957 to oppose all desegregation, which actually exerted great pressure on school and city officials at that time, but very little has been heard from them since. Recently, a Nashville citizens council was organized, but its school program has not been very active yet.

Recently there has been pressure from Negro leaders, particularly in the NAACP, to desegregate Hume-Fogg Technical and Vocational High School, which serves all of Nashville and Davidson County. The city maintains a vocational program for Negroes at Pearl High

School, but the subjects taught are not coextensive with those available at Hume-Fogg. The board has not acted on the request, but school leaders expect the board will insist on waiting until the grade-a-year program reaches high school level before desegregating these schools. However, in March 1962, the vocational practical nurse program at the Nashville General Hospital was opened to all races.

Desegregated Negro pupils in Nashville are rather generally distributed by grade and school, as the following chart of 1961–62 Negro enrollment in the first five grades of white schools shows:

Schools	Grade					
	1	2	3	4	5	Total
Buena Vista	19	20	10	17	7	73
Clemons	5	3	4	4	2	18
Cotton	6	3	1	2	1	13
Fall	19	13	6	2	6	46
Fehr	11	11	8	6	1	37
Glenn	14	6	5	5	1	31
Jones	12	16	6	8	8	50
Warner	0	1	1	0	0	2
Total	86	73	41	44	26	270

Two schools, Kirkpatrick and Caldwell, have had Negro students at various times in previous years, but none were enrolled in 1961–62. Of the schools on the chart, Buena Vista, Fall, Fehr, and Jones are in low-income districts with considerable racial residential mixing. The others are mostly low middle-income areas in racial transition. Cotton was the school badly damaged by a bomb during initial desegregation. The one Negro child who had registered there did not attend that year, but there are now 13 Negroes spread over the 5 desegregated grades.

DAVIDSON COUNTY

All of Davidson County is considered part of the Nashville standard metropolitan statistical area, but its schools were not desegregated until early 1961—3½ years after Nashville. The Federal district court synchronized the two programs, however, and now both Nashville and county schools will begin desegregation through the sixth grade in the fall of 1962.

Eleven schools were affected in the first year of Davidson County's desegregation, and 42 Negroes were enrolled in previously white schools. In the second year, there were 110 Negroes in 15 previously white schools. The Negro population in the county area is proportionately much less than Nashville. There are 46,912 white students and only 2,353 Negroes. In the first year of desegregation, about 11 percent of the Negroes eligible to attend the formerly white schools did so; in the second year, about 20 percent. School officials expect more Negro enrollments in September 1962. Unlike the experience in Nashville schools, county officials report that several of the Negroes whose parents elected to send them to desegregated schools were marginal students and their scholastic performances were irregular.

DESEGREGATION OF OTHER FACILITIES

Since the *School Segregation Cases*, there has been appreciable desegregation of other public and private facilities in Nashville. As a result of litigation, golf courses operated by the city have been opened to all races.[16] Requests by Negroes to use public swimming pools in public parks were followed by the closing of all pools for the announced reason of insufficient funds. They are still closed, for the second season. After pressure by Negro groups, which resulted in several disorderly situations, restaurants and lunch counters in department stores, variety stores, and drugstores have generally been opened to Negroes. A very few of the restaurants also occasionally serve Negroes. Hotel dining rooms generally accept Negroes only when they are a part of biracial groups. City buses were desegregated 5 years ago without court action.

Since the President's Executive order requiring equal job opportunities for Government contracts,[17] there has been a conscious effort among several large employers in Nashville to seek qualified Negroes for higher level jobs. Negroes have been employed by the city as policemen and firemen for several years, although their activities are limited to segregated areas.

Most hotel facilities in Nashville are not available to Negroes, although some report they have successfully registered, particularly when reservations were made in advance. In connection with the opening of extensive new auditorium and convention facilities, there has been a renewed effort on the part of Negro leaders to secure general admission to the city's hotels and motels.

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[16] *Hayes* v. *Crutcher*, 137 F. Supp. 853 (M.D. Tenn., 1956), 1 *Race Rel. L. Rep.* 846 (1956).
[17] Exec. Order No. 10925, 26 Fed. Reg. 1977 (1961).

There have been no allegations of any kind of voter registration discrimination in Nashville for at least a generation, and Negroes have been readily elected to the city council.

Although desegregation is proceeding generally, if slowly, in almost all areas of community life, there has been one limited area in which segregation has appeared recently for the first time: Many do-it-yourself laundries and drycleaning establishments have "white only" signs.

Humphreys County

Humphreys county lies along the Tennessee River in an area of the State historically inclined toward traditional southern attitudes. It has been generally agricultural in outlook, and in common with many such counties in the South, has suffered from migration of its young people over the past several decades. From 1930 to 1960, the population dropped from 12,039 to 11,511.

There are some 1,500 Negroes in the county, most of whom live in or near Waverly, the county seat, which has a total population of about 3,000. A few live at New Johnsonville, total population 500, and in the neighborhood of McEwen, a town of 1,000 in the eastern part of the county.

Recently, the county administration has been pursuing a vigorous policy of recruiting industry with very considerable results. As recently as 1950, the total assessed valuation of the entire county for tax purposes was $6,398,318. Within the past 2 years, new industries for the county include a titanium dioxide plant, originally estimated to cost $30 million but since revised upward; an aluminum mill, more than $28 million; a mineral extraction factory, $5 million; an air reduction facility, $2,500,000; plus several other smaller factories. In addition, organization of large-scale scrap iron and low-grade iron ore operations is well underway. Even allowing for the equalized 15 percent valuation for tax purposes, the impact of this sort of industrial growth on the economic and social life of the community has been considerable.

The Humphreys County schools have been entirely segregated from their creation. In the spring of 1961, there were 161 Negro students in the county, all enrolled in the combined Porch-Reed Elementary and High Schools in Waverly. The 2,657 white students attended 2 high schools and 7 elementary schools at various places in the county.

In May 1961, the Tennessee Department of Education conducted a survey of the county's education system and made this curriculum comparison of the high schools:

Waverly Central (white): 28 courses offered, possible 39 units for credit.

McEwen (white): 21 courses, possible 29 units.

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Porch-Reed (Negro) : 14 courses, possible 18 units.

Among courses offered at the white high schools, but not at the Negro, were Ancient History, Geography, Economics, Civics, Business Arithmetic, Solid Geometry, Trigonometry, Physics, Agriculture, Shorthand, Bookkeeping, French, Latin, Home Economics, Band, Chorus, Sociology, and Problems of Democracy. The Negro school offered only one course not available at the white schools: Modern History.

Physical facilities of two of the white high schools were found to be adequate, but serious shortcomings were found in some other white schools and in the Negro school.

Tennessee law now requires 300 students as the minimum for establishment and maintenance of a senior high school. Express approval is required for a smaller school, and this was necessary for the Porch-Reed Negro school, which had only 75 high school students. However, the county expenditure per pupil has been greater for Negroes than for whites, largely because of the greater expense in transporting Negro children. For the 1960–61 school year, the cost per pupil was:

	White	*Negro*
Operating expense	$9. 00	$11. 90
Instruction	150. 26	148. 61
Transportation	39. 72	92. 60
Total	198. 98	253. 11

All Negro teachers were, like their white counterparts, fully certificated. Only one was teaching outside his area of special competence.

In August 1961, before the school term began, a Negro woman whose husband had recently been employed in the county asked that her children be admitted to the white schools, since she regarded the Negro schools as inferior. Her children had been in the Memphis school system previously. After consultation, the school board declined to accept them. On the opening day of school, her children and the children of a Negro minister presented themselves at the white school and asked for admission. They were again refused. There was some tension among parents of white children registering, but the county sheriff was present and there was no violence.

The Negroes then filed an action in U.S. district court asking for immediate desegregation of the white schools. School officials offered a plan providing for desegregation of grades 1 through 5 at that time, and of an additional grade a year beginning in the fall of 1962. This would have brought desegregation to a level approximating that of the Nashville and Davidson County school systems. Like the "Nashville plan," there were provisions for transfer of students who would be required to attend a school where their race was in a minority.

The plaintiffs objected to this plan, arguing that it did not take into consideration the substandard conditions at the Negro school. They argued that this was not a "separate but equal" situation for which the court should allow adjustment time. The court agreed, and asked for a speedier program. The county then offered to desegregate grades 1 through 5 immediately, 1 though 7 plus grade 9 in the fall of 1962, and a grade a year thereafter in both elementary and high schools. The plaintiffs made the same objection. Again the court agreed, and held that immediate desegregation would not create any problems of transportation or teaching personnel. The court also noted that ". . . Since 1951, the public officials and business interests in the county have been carrying on an industrial development program which will be facilitated by eliminating the desegregation problem . . ." [18] During the hearing, the county judge (who is the chief county executive officer in Tennessee) and the chairman of the county's committee on industrial development both testified that desegregation difficulties would hurt the county's chances for new industry.

The court entered an order requiring immediate desegregation of grades 1 through 5, and the named plaintiffs were ordered admitted to grades 7, 9, 10, and 12. In addition, the entire school system was ordered desegregated in the fall of 1962.

No appeal was taken from this order, since the county judge decided that public funds would not be available for further litigation. The named plaintiffs were actually enrolled and began classes in January 1962. No other Negro students sought admission to the generally desegregated first five grades. Several Negro parents said that they thought it best not to change their children in the middle of a school year. There is also some indication that certain elements of the Negro leadership are discouraging desegregation because of the probability of the loss of teaching jobs for Negroes. The court specifically refused to grant a request for desegregation in the assignment of teaching and other staff and operating personnel. The injunction granted was a very general one, prohibiting segregation in [19]

> . . . all questions of zoning, assignments, and transfers of students, to retransfers or reassignments of students, to transportation of students, and to all phases, aspects, and facets of said school system other than the question of the assignment of teaching and other staff and operating personnel which is reserved.

When it became obvious in late 1961 that some degree of desegregation would take place shortly, the superintendent of schools and other county officials began making talks to parent-teacher and other groups on the necessity of orderly transition. Special parents' meetings were

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[18] *Supra*, note 14.
[19] *Ibid.*

held twice a week. Teachers were briefed on possible problems. Generally, these talks stressed the inevitability of compliance with court orders, and considerable emphasis was placed on the disruptive effects of desegregation difficulties on industrial and economic processes.

Although the same legal counsel handled this litigation as has appeared in other school desegregation actions in the State, both Negro and white county leaders agree that most of the impetus for desegregation came from local Negro residents who felt the quality of education being offered in the Negro schools was inferior.

Generally, school officials report, the Negroes did satisfactory grade-level work, despite the fact that some of them did not attend school anywhere during the first half of the 1961–62 school year. One student applied for an advanced mathematics course for which he was not prepared, but he was reassigned to another course and completed it satisfactorily. One child, who was very near graduation, received the necessary units and his diploma.

Desegregation of school facilities—lunchroom, transportation, restrooms, etc.—was complete. Negroes participated in all activities. One Negro child was elected the president of his classroom.

The size of the school system is such that the superintendent is able to keep in close personal touch with many of the parents. He expects about 12 or 14 new Negro students to request and be granted transfer to white schools in the fall of 1962. In addition, there are about 30 Negro students in the Lake View and McEwen school zones whom he feels obliged to assign to the white schools in those areas because of the Tennessee pupil assignment act. Previously, these children have been transported considerable distances to the Negro school in Waverly. This he feels he can no longer do without granting white children the same privilege. The superintendent says that all of these children want to continue to attend the Negro school. Various reasons are assigned for this: The fact that most of these families have quite small incomes and find the free-lunch program at the Negro school advantageous is frequently cited. The racial cohesiveness of this small Negro community is another suggested reason. Also, many of these children are in the low-performance group at the Negro school, and seem to fear the competition they would encounter at the white schools.

The school board expects that one Negro teacher at Porch-Reed school will not be employed for the 1962–63 school year because the anticipated outflow of Negro students would lower the pupil-teacher ratio to an uneconomical point if all of the teachers were retained.

Generally, the county has maintained its southern outlook on race relations. Recreational facilities, except for those in the area operated

by the TVA, are segregated or do not exist for Negroes. The courthouse, where the school board and school officials have their offices, still maintains the customary racial designations for toilet facilities.

There is still bitterness among whites, particularly in rural districts. The elected superintendent of schools, who has been campaigning in these areas, reports he frequently encounters vocal opposition to the desegregation program and animosity toward the Negro plaintiffs.

Wilson County

School desegregation began in Wilson County in the summer of 1961 when Negro parents filed a Federal court suit on behalf of their children for admission to elementary and high schools in Lebanon, the county seat. Suit was originally filed against the special school district which operates the Lebanon elementary schools, but it was subsequently amended to include the county school system and the special district which operates the elementary school at Watertown, which is in the southeastern part of the county. Shortly after the beginning of the 1961 fall term, the court ordered immediate admission of three named plaintiffs to the Lebanon school and directed all three boards to submit a proposal for complete desegregation through the 12th grade. The three students were admitted the next day.

The boards subsequently offered a plan which consisted mostly of a pledge to operate under the Tennessee Pupil Assignment Act, with a few qualifications having to do with time requirements. This law,[20] passed in 1957, provides criteria for assignment of pupils in various schools, including availability of room and teaching capacity, residence of pupil, availability of transportation, effect of enrollment of the pupil on the school, effect of enrollment on the welfare of the student and other students, scholastic aptitude and relative intelligence of the pupil, psychological qualifications of the pupil, the availability of special courses, etc. Race is not one of the criteria. But the court rejected this, saying: ". . . This law, as shown on its face, is not a plan for desegregation nor is desegregation a part of its subject matter or purpose. . . ." [21]

Since the boards showed no interest in a gradual plan such as that used in Nashville and Davidson County, the court ordered a general desegregation of the 12 grades of all districts, effective January 2, 1962. As part of this, a general rezoning of school districts based on factors other than race was ordered. Actually, school officials say, the county had never been zoned, so the boundaries which were drawn were the first ever set up.

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[20] *Supra*, note 5.

[21] *Sloan* v. *Tenth School District of Wilson County*, 6 *Race Rel. L. Rep.* 999, 1000.

The county has four high schools; two of them are located in the city of Lebanon. Previously, one had been for Negro and the other for white students. The other high schools were located at Mount Juliet, to the west, and Watertown, to the east of Lebanon. Three zones were drawn. One, for the northern part of the county, was regarded as the zone for both the previously white and the previously Negro school. The southwest zone supplied the Mount Juliet school and the southeast zone the Watertown school. Negroes already attending the Negro high school were permitted to continue there, but allowed to transfer to the white school in their zones. In the northern zone, shared by the previously white and Negro schools, assignment to a school other than the one attended was based on some of the criteria of the pupil assignment act, especially the geographical location and availability of courses factors. Although an estimated 30 or 40 percent of the county's 850 Negro students live in the zones of the 2 previously white high schools at Mount Juliet and Watertown, only 15 elected to transfer to Mount Juliet and none to the Watertown school. Five Negroes living in the joint northern zone asked for transfer to the previously white high school, but three were rejected. The rejections were mostly on the geographic factor.

The elementary schools in the county were zoned for four regularly shaped areas. Again, Negroes were allowed to remain in the Negro schools unless transfer was requested. None elected to transfer. School officials believe that a recent program of improving Negro schools which raised the standard of physical facilities above that of white elementary schools is responsible for this.

Very little formal preparation was done in the community to assure the acceptance of desegregation, although teachers were briefed generally and instructed by the school board to take special efforts to avoid incidents. None occurred when the Negroes first entered the schools. Four Negroes enrolled in white schools transferred back to all-Negro schools for various reasons.

Of the Negro students who remained in the previously white high schools, none had a satisfactory academic performance. The best academic average was made by a Negro girl who passed three of her four courses. The others failed in more than one subject. The school superintendent blames the generally lower performance on the students themselves, several of whom had been failing in the all-Negro school. Negro leaders in the community see the poor performance of these students as additional evidence of the inferiority of the segregated schools which prepared them. There is some indication, also, that parents of many of the brighter Negro students who might have made satisfactory records in the white schools have not been persuaded of the advisability of seeking nonsegregated education for their children.

Generally, the school year went uneventfully. Negroes were involved widely in school functions. Facilities were equally available. One Negro became a member of a school chorus. Another participated in spring athletic drill, and school officials say he will be allowed to participate in fall contests if he is competent.

On the last day of school, a car loaded with white boys brushed against a Negro girl leaving the school, and some insults were exchanged. The girl was not hurt. Two of the white boys were called in for discipline after a delegation of Negroes protested the incident at city hall. School officials expect more applications for transfer to previously white schools for the fall of 1962, although only four had been received at the end of the spring term. Two Negro students were permitted to enroll in a high school summer session, a tuition-financed operation not specifically covered by the Federal court injunction.

Wilson County adjoins Nashville and Davidson County on the east and much of the general pressure for desegregation of other facilities has spread from the urban center. The western part of the county is populated to a considerable extent by commuters. Shortly after desegregation of the schools, pressure was brought to desegregate a movie theater. Resulting disturbances among whites resulted in action by the State highway patrol to maintain order. The theater is still segregated. One department store has allowed Negroes to eat at its lunch counter after "stand-in" demonstrations and negotiations, but such pressure generally was less successful against drugstores. In two cases, drugstores removed their food-service facilities completely after pressure was brought for service to Negroes. Recreational facilities generally remain segregated. There is no public transportation system.

Pressure for desegregation of schools came mostly from members of the National Association for the Advancement of Colored People and from Negro religious groups. The father of two of the named plaintiffs in the Federal court suit is a Presbyterian minister.

Chattanooga

There has been no desegregation of public schools in Chattanooga, despite litigation extending over the past 2 years. When suit was originally filed against the school board, it sought to invoke the Tennessee Pupil Assignment Act. This effort was refused by the court on the ground that the schools were still functioning on the basis of dual zones for the races.[22] A grade-a-year program was offered and also disallowed.[23] Both actions were subsequently upheld by the Court of Appeals for the Sixth Circuit.[24]

Before a newly installed Federal judge, a new plan was offered and approved. It provides for desegregation in the fall of 1962 of nine named white schools and seven named Negro schools by rezoning of those schools for grades 1 through 3. Also to be desegregated then are certain special programs for handicapped children. Desegregation of the first four grades in all schools is to follow in the fall of 1963, the remaining elementary grades in all schools in 1964, first year of all junior high schools in 1965, remaining junior high grades in 1966, first year of all high schools in 1967, remaining high school grades in 1968, and desegregation of post-high-school technical institute in 1969.

The court struck down transfer and admission qualifications in the plan,[25] and the board has filed a limited appeal from this action. Attorneys for the Negroes have also filed objections to plans of the board to ask for notices of intent from parents in the school zones to be desegregated in 1962.

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[22] *Mapp.* v. *Board of Education of Chattanooga,* Civ. No. 3564, E.D. Tenn., Oct. 1, 1950, 5 *Race Rel. L. Rep.* 1035 (1960).

[23] *Mapp* v. *Board of Education of Chattanooga,* Civ. No. 3564, E.D. Tenn., Jan. 23, 1961, 6 *Race Rel. L. Rep.* 107 (1961).

[24] *Mapp.* v. *Board of Education of Chattanooga,* 295 F. 2d 617 (6th Cir. 1961), 6 *Race Rel. L. Rep.* 997 (1961).

[25] *Mapp.* v. *Board of Education of Chattanooga,* 203 F. Supp. 843 (E.D. Tenn. 1962), 7 *Race Rel. L. Rep.* 25 (1962).

Knoxville and Knox County

KNOXVILLE

Knoxville city schools began their desegregation in the fall of 1960 as a result of a Federal court order accepting a Nashville-type grade-a-year plan, with reservations for study of possible advanced desegregation in technical and vocational classes.[26] Like Nashville, the city was rezoned and the same transfer privileges were allowed.

About 30 percent of the first-grade Negroes eligible to enroll in a white school the first year did so—a total of 29 in 9 previously white schools. All the whites assigned to Negro schools requested and were granted transfers. At the beginning of the second year, a total of 51 Negroes in the first and second grades elected to attend the school of their residential zones, again in 9 schools.

Negro leaders were dissatisfied with this program, and appealed to the Court of Appeals for the Sixth Circuit. In April 1962, the court ordered the Knoxville board to present a program for faster desegregation, holding:[27]

> . . . It is not the function of this court to formulate or dictate to the board a plan for the operation of the Knoxville schools. It is, likewise, not our intention to require immediate total desegregation. We do believe, however, that more grades than contemplated by the board's plan should now be desegregated. In the light of the board's experience with the present plan, it should be able to submit an amended plan that will accelerate desegregation and more nearly comply with the mandate of the Supreme Court for "good faith compliance at the earliest practicable date."

On June 25, 1962, the Knoxville School Board voted to double the rate of desegregation by opening two grades a year instead of one.

KNOX COUNTY

Knox County, a largely suburban area surrounding Knoxville, began its voluntary desegregation program at the same time and at the same speed as the city. The county has a very small percentage of Negroes—312 Negro students and 32,574 white students—and of these only 1 elected to attend a previously white school in the 1961–62 school year.

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[26] *Goss* v. *Board of Education of the City of Knoxville*, 186 F. Supp. 559 (E.D. Tenn. 1960), 5 *Race Rel. L. Rep.* 670 (1960).

[27] *Goss* v. *Board of Education of Knoxville*, 301 F. 2d 164, 169 (6th Cir. 1962), 7 *Race Rel. L. Rep.* 36 (1962).

CIVIL RIGHTS U.S.A.

Public Schools: Southern States

1962

MEMPHIS

By G. W. Foster, Jr.

A Report To

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

Preface

My report on the desegregation process in Memphis is the product of personal interviews there over a period of more than 3 years. These interviews have been with such people as the chairman and members of the Memphis Board of Education, the superintendent of schools, attorneys for both the school board and the Negro plaintiffs in the desegregation suit, and community leaders, both Negro and white.

The interpretations placed upon the facts reported are, of course, my own, for which I alone am responsible.

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August 1, 1962.

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Introduction

Memphis, Tennessee's largest city, borders the Mississippi River in the southwest corner of the State.[1] Historically the city's customs, economic affiliations, and its general outlook have been more closely associated with the Deep South than with those of any other urban area in the State. Much the same may also be said of the rural areas of west Tennessee, Arkansas, and Mississippi which surround it. The Negro population in many of these counties nearly equals or in fact exceeds the white population, a factor producing both a sturdy white resistance to change and considerable hesitation among Negroes to take the initiative.

Through the late 1950's the thought was frequently expressed by Negroes and whites alike that preexisting lines of communication between the races had largely broken down following the *School Segregation Cases* of 1954 and 1955. But these earlier communication channels were hardly between bargainers who stood on equal footing. White leadership called the shots and simply notified a selected group of Negroes to pass the word as to what might be expected as the Negro's segregated share of the community's public resources.

Even with communications limited as they were in the late 1950's there had been numerous efforts to move the Memphis Board of Education to action on school desegregation and in other matters related to Negro education. Many groups and interested individuals, often working beneath the level of public notoriety, had been at the job. But the board took no action on desegregation until suit was filed in the Federal court in the spring of 1960. And even on matters which involved evident inequalities in Negro education the board in this period moved reluctantly and only after substantial pressure had been brought to bear.

By 1960 a few limited situations could be observed in which Negroes and whites were beginning to sit in the same room and at the same table, frankly discussing among themselves their respective problems,

[1] Its population was reported in the 1960 Census as 497,524, ranking it 22d among U.S. cities. Among the cities which operated racially segregated public schools at the time of the *School Segregation Cases* in 1954, only six were larger: Baltimore, Houston, Washington, St. Louis, Dallas, New Orleans, and San Antonio.

fears, and desires. Little, and often no, publicity attended such affairs. Yet they had a profound significance. Open and realistic discussion, even if off-the-record, could and did reduce the areas of misunderstanding and often abated some of the suspicions which each "side" had of the motives of the other.

The process of discussion leading to better understanding had occasional setbacks but expanded rapidly between 1960 and 1962. Increasingly, top-level white leadership—political, economic, and social—became involved as participants in the process. Negro leadership, important elements of it new and untried, gained experience and understanding, too, as these meetings explored ways for bringing about change. And changes, though at a slower rate than the Negro leadership preferred, were taking place at a quickened pace.

Withal, much fear, suspicion, and resistance remained in 1962. Decisions concerning the scope, place, and timing of change were more often the product of action and reaction to particular situations than of longer range planning worked out jointly by Negroes and whites. Both leadership groups continued to fear that in almost any particular situation either might agree to steps which would fail to win support from dominant segments of their respective communities. And to guard against this, both groups tended to seek the protection of court orders to shift responsibility for decisions elsewhere and leave them free to express personal disagreement with some of the results. But the growing string of successful changes held out hope for those most intimately involved that they were learning how, and could take the next steps with greater confidence.

Events surrounding the quickening tempo of change suggested a number of things. One strikingly evident point was that none of the dominant forces, Negro or white, wanted Memphis to become a Little Rock or a New Orleans. Among the whites few welcomed the changes away from patterns of segregation but most accepted the inevitability of much more change to come (though they would try, short of community disorder, to slow the rate at which it came). An increasingly sophisticated Negro leadership moved with expanding confidence, but continued to be troubled by the slowness of change, and—privately—conceded despair at the indifference of so many Negroes to education and the resistance of elements within the Negro community who had vested interests in continued segregation.

Patterns of Change: 1955–1962

By 1962 an impressive list could be compiled of wholly or partially desegregated activities and facilities in Memphis. Many of these of a small, private nature developed gradually over a period of years. Most of the large-scale and tax-supported instances came after 1960. And many of these were the end product of Federal court litigation which had dragged on for as much as 5 years before any results were obtained.

Informally, at least, the municipal bus system had desegregated.[2] The old pattern of Negroes at the back of the bus tended to linger. But neither drivers nor police were enforcing segregation and Negroes who elected to use it had the same freedom in the buses as whites.

Under pressure of litigation but without court order, the desegregation of all units of the public library system was announced as of September 9, 1960,[3] although it took a subsequent court decree to desegregate the toilet facilities in them.[4]

Memphis State College—after almost 4 years of litigation in the Federal courts—opened its doors to eight Negro students in the fall of 1959.[5] Two years later, some 80 Negroes were enrolled with more than 6,000 whites.[6]

Federal court action designed to desegregate all facilities operated by the Memphis Park Commission resulted, in January of 1962, in a court-approved plan to reach the final result gradually over a 10-year period.[7] In 1962, the zoo, an art museum, an amusement park, 4 of the 7 public golf courses, and some of the city's 99 playgrounds were already desegregated under the 10-year plan. The gradual plan was sustained by the United States Court of Appeals for the Sixth

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[2] The result apparently came about without entry of a formal court decree although litigation not reaching the merits of the case had actually reached the Supreme Court. *Evers* v. *Dwyer,* Civ. No. 2903, W.D. Tenn., June 27, 1958, 3 *Race Rel. L. Rep.* 743 (1958), *reversed and remanded* 358 U.S. 202 (1958).

[3] See resolution adopted by Board of Trustees of Cossitt Library, 5 *Race Rel. L. Rep.* 1271 (1960).

[4] *Turner* v. *Randolph,* 195 F. Supp. 677 (W.D. Tenn. 1961), 6 *Race Rel. L. Rep.* 825 (1961).

[5] So. School News, Oct. 1959, p. 12.

[6] Southern Education Reporting Service: Statistical Summary, November 1961, p. 36.

[7] *Watson* v. *City of Memphis,* Civ. No. 3957, W.D. Tenn. 1961, 6 *Race Rel. L. Rep.* 828 (1961). A suit to desegregate the Municipal Auditorium, *Flowers* v. *City of Memphis,* was pending in the Federal district court as this was written.

Circuit on June 12, 1962, and attorneys for the Negro plaintiffs promptly announced that Supreme Court review would be sought.[8]

Protracted litigation finally resulted in desegregation of the airport restaurant but not until after an incident in which Carl Rowan, an Assistant Secretary of State, had been denied an opportunity to sit with white companions while they had coffee.[9]

The combination of sit-ins and a later Negro boycott led to an agreement made in the fall of 1961 to withdraw the protest in return for assurances that a number of Memphis lunch counters would be desegregated shortly after the Christmas rush was over. The desegregation of the counters took place on schedule early in 1962.[10]

There were other evidences of change, too. A Negro was appointed to the Memphis Transit Authority in the summer of 1961.[11] Another was later appointed to the Board of Directors of the Memphis City Hospital and a third was named as an Assistant United States Attorney for the Western District of Tennessee.[12] Although long free to register and vote, recent registration drives have substantially increased the role which the Memphis Negro vote will play in both local and statewide elections.

In 1962 much still remained to be done. Apart from areas in which residential neighborhoods were undergoing transition from white to Negro, residential segregation was virtually total. Employment in white-collar jobs—professional, business, even stenographic and clerical—was almost exclusively confined to activities run by Negroes and servicing the Negro community. And public school desegregation—or to a dramatic but token start in the fall of 1961—was a job largely undone.

The story of school desegregation in Memphis follows.

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[8] *Memphis Commercial Appeal*, June 13, 1962, p. 1; N.Y. Times, June 13, 1962, p. 44.

[9] The litigation bore the name of *Turner* v. *City of Memphis*, Civ. No. 3934, W.D. Tenn., Jan. 23, 1961, 6 *Race Rel. L. Rep.* 233 (1961), *reversed and remanded*, 369 U.S. 350 (1962). The incident involving Carl Rowan is reported in the *New York Times*, Jan. 21, 1962, p. 60.

[10] The decision to delay desegregation of the lunch counters until after the holiday season turned on two concerns: first, the greater likelihood of disturbance if the change occurred while the stores were crowded with shoppers, many of whom were from surrounding rural areas, at this time; and second, the question whether temporary sales personnel, brought in for the period of heavy purchasing, could be relied on as much as could the permanent sales force.

[11] Prior to selection of a particular man for the post the Memphis City Commission had invited a number of Negro organizations to join in making a recommendation. After herculean efforts, the various groups submerged their differences and agreed on one man. This nominee was thereafter rejected by the Commissioners, a move which many of the Negro groups treated as an act of spite and which gave rise to a noisy controversy in the Memphis papers during July 1961. The man subsequently named to the job by the Commissioners was widely respected in the Negro community but resentment against the Commissioners over their prior action persisted.

[12] A Negro was also elevated recently to the position of supervisor over all vehicular mail deliveries at Memphis.

Background and Statistics

The Memphis public school system, reportedly the 15th largest in the United States, had an enrollment during the 1961–62 school year of slightly more than 100,000 pupils, about 46 percent of whom were Negroes. Four members of the Board of Education—the policy-making body for the system—are elected at large; the fifth board member, its president, is appointed by the mayor with the concurrence of the city commission. The school system is, by southern standards, a good one although like most others it could be improved if more adequate funds were available.

Typical of systems which grew up under State laws requiring racial segregation, dual sets of Negro and white schools had traditionally been maintained. Each set had its distinctive teaching and administrative staffs, respectively Negro and white, with the system capped administratively by a white superintendent. Until the fall of 1961 the pupils enrolled in the two sets of schools separately by race.

The first break in this pattern occurred about a month after schools opened for the 1961–62 school year when 13 Negro first-grade pupils were reassigned after hearings to 4 formerly all-white elementary schools. Thus, the system operated in that year 68 schools which were all white, 40 which were all Negro, and 4 with all-white faculties and token numbers of Negroes attending with white pupils—a total of 112 schools in the system.

Mechanics of Pupil Assignment

With some exceptions at the junior and senior high school levels, Memphis operated within its dual system in 1961–62 three tiers of schools: elementary (grades 1 through 6); junior high (grades 7 through 9); and senior high (grades 10 through 12).

Each elementary school had a distinctive geographic attendance zone, with Negro schools in effect zoned on one map of the city and white schools on another. The Negro and white attendance zones overlapped in mixed neighborhoods, with Negro children initially assigned according to the Negro attendance zone and the whites according to the white zone map.

Junior high schools were generally fed by four to six elementary schools, preserving the separate racial character of the two sets of schools at this level. Similarly, high schools had four to six feeder junior highs, again preserving the segregation pattern.

INITIAL ASSIGNMENT: NEW PUPILS

A pupil enrolling in the Memphis schools for the first time, either as a first-grader or a new resident, could be enrolled by his parent at any school in the city, Negro or white. This initial "enrollment" is the equivalent of registration elsewhere. Except for children who moved into the city after school commenced, enrollment of new pupils took place in 1961 late in August.

All enrollments were then forwarded to the attendance department of the board of education, which initially assigned all enrolling pupils according to race. A white pupil who resided in the attendance zone of the white school in which he had enrolled—or a Negro pupil who resided in the attendance zone of the Negro school in which he had enrolled—was automatically assigned to that school.

Pupils who enrolled in schools outside their own racial attendance zones were treated differently. All 50 Negro pupils who enrolled in white schools and apparently many of the white pupils who enrolled in out-of-zone white schools were initially assigned to the schools of their own race in the attendance zone of which they resided. Parents were permitted to appeal within 10 days after initial assignment for

reassignment under the Tennessee pupil placement law to the school in which the children had been enrolled.

The process of initial assignment, as is clear from what is said above, operated entirely along racial lines.

ASSIGNMENT OF PUPILS PREVIOUSLY ATTENDING MEMPHIS SCHOOLS

Pupils eligible to continue in the same school the following year were automatically assigned to that school by a notation on their report cards in the spring of 1961. Parents were permitted to appeal within 10 days thereafter for reassignment to another school.

Similarly, a pupil graduating from an elementary school was automatically assigned by the report-card method to the junior high school to which his elementary school fed.[13] Junior high graduates were assigned in a like manner to high school. In both situations, parents could appeal for reassignment within 10 days.

The report-card system of assignment in spring had the obvious advantage of permitting school authorities to anticipate enrollment for the following year and to announce publicly a list of schools which were uncrowded and to which requests for reassignment could be sought.

The report-card method of assignment, of course, perpetuates whatever patterns of racial segregation already exist in a school system and the situation is relieved only to the extent that appeals for reassignment permit access to nonsegregated schools. The Memphis board had announced earlier that it would accept—at all grade levels—requests for reassignment without regard to race. No Negro parents, however, took appeals from report-card assignments made in the spring of 1961 and the policy was not then subjected to any test.[14] As this was written, 42 appeals by Negro pupils from report-card assignments in the spring of 1962 were pending before the board. These pupils seek reassignment to formerly white schools. The appeals were from pupils at various grade levels and potentially affected a number of still-segregated white schools.

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[13] The practice of designating all-white elementary schools as feeders for one junior high and all-Negro schools to another, of course, has the effect of perpetuating segregated patterns in the junior high schools. The same is true with respect to racial designations of junior high schools which feed the high schools.

[14] The first evidence that the board would assign Negroes to formerly white schools at other than the first-grade level came in June 1962 when two Negro students were admitted to summer session courses in a white high school. Both had attended private schools outside the city during the regular school year and had applied for courses not offered in the summer curriculum of the Negro high schools.

APPEALS FOR REASSIGNMENT

As the practice operated for the 1961–62 school year appeals for reassignment were in all cases made subject to the provisions of the Tennessee pupil placement law.[15] Among the factors taken into account were available space in the school to which reassignment was sought, geographic location of the pupil's residence and the school sought, scholastic achievement of the pupil relative to levels maintained in the school to which he sought admission, and various psychological effects.

Each spring, as earlier indicated, the board has announced a list of schools in which vacancies exist and to which reassignment might be sought. A list of "closed"—that is, already filled—schools has also been announced at the same time. Any appeal requesting reassignment to a "closed" school is automatically denied.

Approximately 200 appeals were made to the board from initial assignments made following the enrollment period in August of 1961. Among the 50 Negro pupils who were enrolled at white schools, the parents of only 39 appeared at the hearings on the appeals—as did the parents of about 130 of the whites who had indicated an intention to appeal. The great majority of the appeals was rejected, many because admission to "closed" schools was sought.

Of the 39 Negro pupils on whose behalf hearings were held, the board voted unanimously on September 30, 1961, to reassign 13 Negro pupils among 4 previously white elementary schools. This decision climaxed a month during which the board and school professionals had faced up for the first time to the question of how school desegregation would be commenced at Memphis. Until the 50 Negro applications were received late in August of 1961 the board had given little attention to the question. There had been a few discussions in which it had been generally assumed that something would be worked out under the Tennessee pupil placement law but little had been done on detailing the criteria for admission of Negroes, the mechanics for processing them, and preparing both the schools and the community for the change itself. Between the end of August and the end of September answers had to be worked out to these and many other problems.

At the outset the board had designated two hearing officers before whom the applicants and their parents were to appear. The hearing officers also heard reports from professional social workers who visited the homes of most of the applicants. Batteries of reading readiness and IQ tests were administered among the first-grade classes at the

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[15] Sections 49–1701—49–1764, Tenn. Code. See also 2 *Race Rel. L. Rep.* 215 (1957).

schools which the Negro applicants were attending and in the schools to which they sought reassignment. Understandably, the information revealed by these processes disclosed a number of problems and the board, anxious for the success of whatever it finally decided upon, had to resolve many hard questions.

Gradually, some generalized policies evolved during the month of September. Among them were these: Designation of the particular schools to be desegregated involved a number of considerations. The then recent experience of New Orleans in commencing desegregation at only two schools and in the lowest socioeconomic white neighborhoods pointed away from selection of schools in such areas for the opening round of desegregation. In such neighborhoods friction was great, few sophisticated whites could be found to furnish leadership in keeping the schools going as viable institutions, and discipline problems were greater than in middle and upper income white areas. Again, the board hesitated to put fewer than three Negro youngsters in any particular school since the year was expected to be a difficult one and perhaps more than a single child could withstand. Too, the board desired a geographic spread of the schools over the city.

The proximity of the Negro children to the schools in which they had sought reassignment posed another difficulty. Long before desegregation was the issue, the board had taken geographic considerations into account in passing on applications for reassignment. The children before it were all first-graders and traffic problems arising when they went great distances to school loomed large. On the other hand, the board had in the past, and did again for some of the Negro applicants, allowed reassignment to distant schools where transportation could be supplied. (This policy, it should be noted, did not operate to bar reassignment of applicants who actually lived closer to Negro schools than to the schools for which they applied.)

A factor which limited the number of schools to be desegregated was the matter of police protection. The police had recommended round-the-clock surveillance, by substantial number of officers, of each school selected. As it turned out, some 200 policemen were assigned for a number of days to guard the 4 schools, a result which was achieved only by placing many on double shift during this period. If, in retrospect, these numbers seemed more than needed to do the job, there was general agreement that it was better to be safe than sorry.

Apart from school selection, choices also had to be made among the applicants themselves. The board wanted all youngsters it chose to succeed. Failure of the year to work out successfully would be damaging to the child, would generate suspicion and hostility in the Negro community, and would only serve to stiffen attitudes of assumed superiority among the whites. Many of these problems were expected

to lessen later when desegregation spread and experience with it matured, but for the first year they were regarded as critical matters.

During the period in which it was approaching its final decisions, the board met with some Negro leaders and discussed fully what it had before it. The atmosphere generated by the discussion did much to convince the Negroes that the board was acting in good faith and all agreed that winning the support of the Negro community, and the white community as well, called for a belief that the operation had been conducted in good faith.

These, then, were the major elements in the process by which the board reached its decision to assign the 13 Negro first-graders to the 4 schools.

The First Year of Desegregation

Unlike Atlanta and Dallas, which had made long, elaborate preparations for community acceptance of the school desegregation that began in the fall of 1961, little of the sort had been done in Memphis by late August of 1961. Indeed as late as mid-August of 1961 neither Negro nor white leadership had expected any school desegregation for that year. But a Negro drive soon afterward to recruit prospective first-graders produced the 50 enrollments (registrations) in white schools near the end of the month and turned the tide.

The very failure to make preparations was itself a strong argument in favor of turning the applicants down and postponing things at least for the 1961–62 school year. Tactically, however, such a decision would have wrecked the board's position in the school case which was pending on appeal at the time in the U.S. Court of Appeals for the Sixth Circuit at Cincinnati. (See discussion of the school litigation below.) And a further argument in favor of installing some desegregation in 1961 was the fact that at Atlanta, Dallas, and elsewhere things had gone off smoothly that fall.

Nevertheless, there were other problems to be solved during September which were not directly related to the school problems themselves. These involved winning the backing of the Memphis power structure—its political and civic leadership and the press. There was little reason to fear the possibility of intervention by either the Governor or the State legislature, as had happened in the instances of Little Rock, New Orleans, and in the several Virginia cities during the "massive resistance" period in that State. Behind the scenes meetings—some involving the board and many involving other groups and interested private citizens—were successful in obtaining the solid backing of the power structure. There was no evidence of a disposition to turn the city into another Little Rock or New Orleans.

One decision, made early, was to withhold advance announcement of the time the desegregation would actually take place. Two factors apparently controlled the decision. First, such an announcement would give segregationist forces an opportunity to organize their resistance. The second grew out of the concern that if informed in advance representatives of the Nation's television, radio, and press would descend upon the city, forming a good-sized crowd of their own

in the process and affording segregationists a chance to boost their prestige by getting on TV and being photographed and interviewed for national distribution.

Brief announcements during September conveyed the suggestion that some desegregation was in the offing since the board was still working on the appeals. But this was all.

The president of the board appeared at a press briefing the evening before desegregation occurred. He made it clear that the board did encourage full coverage of the event when it took place, but pledged the press to withhold public announcement until shortly after the children entered school the following morning, October 3. And, once the fact was accomplished, the story did receive major coverage, although the police did not permit either reporters or spectators in the school areas in the early days of the program. A press headquarters, set up across the street form board offices, was relayed information by school officials as rapidly as it came in from the schools and the police. And reporters thereafter interviewed elsewhere many of the pupils, parents, and teachers involved.

Within the first few hours following announcement that desegregation had taken place, perhaps 15 white pupils were withdrawn from the 4 schools by their parents. Subsequent news stories carried the intimation that the parents who did this were recent arrivals in Memphis from Mississippi, and were not established Memphians. In time most of the children withdrawn returned to school. The small boycott was about the only incident, and the city accepted the change peaceably (though many among the whites were disturbed that desegregation had come).

Within the schools themselves the year of desegregation worked satisfactorily. Periodic testing during the year confirmed the wide range of ability and aptitude initially indicated among the 13 Negro pupils, with the range spanning from a level only slightly above mental retardation to a point well above the normal range of intelligence. One child failed at the end of the year and was directed to repeat the first grade; the other 12 passed, some standing well up in the top ranks of their classes. The Negro parents (like a lot of the white ones) tended not to give much time to PTA meetings, though some appeared occasionally during the year. The teachers and principals, for the most part, reported that cordial relationships had been established with both the Negro children and parents. And the Negro parents seemed, in general, satisfied, too.

In short, as a small though critically important beginning, the Memphis program appeared to fare well.

Problems for the Future

Memphis got off to its start on school desegregation in 1961 under pressure from the Negro community. And considering the many ties which the city had to the Deep South it was hardly to be expected that the white community would have acted without pressure. The start was generally viewed at the time by important elements of the city's Negroes as an act of good faith (although they intended to watch future events carefully and would continue to apply pressure for change).

Quite apart from the shape which future community attitudes might take, three education problems of real magnitude were likely to require substantial efforts. One was the obligation—recently imposed by Federal court litigation against the Memphis board—to form plans for gradual elimination of the dual set of schools. And intimately related to the solution of that problem were the other two: first, the question of Negro teacher competence and, in time, the matter of faculty integration; and, second, remedying the deficient academic levels found in the Negro schools.

DESEGREGATION PLANS AND FEDERAL COURT LITIGATION

In the spring of 1960 an action was commenced in the Federal district court against the Memphis board on behalf of 18 school-age Negro children. The action, known as *Northcross* v. *Board of Education of the City of Memphis*, sought relief in alternative form: either an injunction against the board to discontinue the operation of a compulsory biracial school system—or an order from the court directing the board to submit a plan which would do away with the dual set of schools.

In answering the complaint, attorneys for the board took the position that Memphis did not operate a compulsory system of biracial schools. Rather, they argued, the Tennessee pupil placement law constituted a plan for removing racial discrimination in the public schools. And since none of the plaintiffs in the action had exhausted

their administrative remedies under the pupil placement law, they moved that the action be dismissed.

The case did not come to hearing before the court for some time and it was not until May 2, 1961, that the district court handed down its opinion. The court entered findings of fact that the "defendants do not operate a compulsory biracial school system; nor do defendants maintain a dual schedule or pattern of school zone lines based upon race or color; nor do defendants assign pupils to the schools of the city of Memphis on the basis of race or color of pupils. . . ."[16] The court then rendered judgment granting relief to the plaintiffs in the form of approving the pupil placement law as a plan for desegregating the Memphis schools and denied other relief on the grounds that the plaintiffs had not exhausted their administrative remedies under the placement law.[17]

The Negro plaintiffs took an appeal from the judgment, but the appeal had not been decided, nor even argued, in the court of appeals when the 50 applications for reassignment were presented to the board in late August of 1961. As indicated earlier, the pending appeal placed the board in an awkward position when the reassignment applications were received. A flat denial of all the applications would almost certainly have evidenced the inadequacy of the placement law as a plan of desegregation and thus might have increased the likelihood that the court of appeals would overturn the district court's judgment. Conversely, the allowance of some reassignments could be used as evidence of the board's good faith in operating under the placement law as a desegregation "plan."

After the board approved the 13 reassignments to formerly white schools, an affidavit was filed in the court of appeals attesting that desegregation had taken place in Memphis, and this was accompanied by a motion to dismiss the appeal on the grounds that the case had become moot because the school system was now desegregated. The court of appeals, however, declined to dismiss the appeal and, on March 23, 1962, handed down its decision reversing the judgment of the district court.[18]

"We are impressed," the court of appeals said, "that the defendants honestly and sincerely desire to comply with the law, but they have pursued the mistaken belief that 'full compliance' as required by the Supreme Court can be had under the pupil assignment law."[19] The court went on to hold that the findings by the district court that Memphis did not operate under a dual set of schools were "clearly errone-

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[16] *Northcross* v. *Board of Education of the City of Memphis*, Civ. No. 3931, W.D. Tenn. 1961, 6 *Race Rel. L. Rep.* 428, 429 (1961).

[17] 6 *Race Rel. L. Rep.* at 430 (1961).

[18] *Northcross* v. *Board of Education of the City of Memphis*, 301 F. 2d 818 (5th Cir. 1962), 7 *Race Rel. L. Rep.* 40 (1962).

[19] *Id.* at 724, 7 *Race Rel. L. Rep.* at 45 (1962).

ous" and not supported by the evidence at trial. Since the *Brown* decision:[20]

> . . . there cannot be "Negro" schools and "white" schools. There can now be only schools, requirements for admission to which must be on an equal basis without regard to race. Minimal requirements for nonracial schools are geographical zoning, according to the capacities and facilities of the buildings and admission to a school according to residence as a matter of right.

Analyzing the pupil placement law, the court conceded that the statute might serve some purpose in the administration of a school system but concluded that—

> It will not serve as a plan to convert a biracial system into a nonracial one.[21]
>
> * * * * * * *
>
> We urge the defendants herein to adopt and submit to the district court some realistic plan for organization of their schools on a non-racial basis, in "full compliance" with the mandate of the Supreme Court, and to do so "with all deliberate speed."[22]

After the court of appeals decision was announced, the board sought unsuccessfully both to obtain a rehearing in the court of appeals and a review of the case by the Supreme Court.[23]

Following this, the president of the board announced that the board "will have to start all over and formulate a new plan as soon as feasible." It was likely, he added, that it would be some type of geographical boundary plan and expressed doubt that "we'll have anything before school starts in the fall."

What the Memphis board would come up with was entirely speculative as this is written. A geographic program that would commence with the elementary grades and in time extend to junior and senior high school levels, coupled with the present policy of permitting reassignment applications at all grade levels to any uncrowded school in the system, might in many respects be an ideal plan for the city. The Court of Appeals for the Sixth Circuit still permits the transition rule enabling members of racial minorities in any school to obtain automatic transfer to schools in which their race predominates, thus permitting whites residing in largely Negro areas to avoid attending Negro schools and also allowing Negroes who hesitate to enter integrated situations to withdraw to Negro schools. Experience with this rule in Nashville and elsewhere strongly suggests that two factors play major roles in influencing the choice of schools under the circumstances. First, convenience (normally proximity) to the pupil's residence; and, second, an affinity for schools in which one's race predominates. Where the two factors work together, the child tends to remain in his attendance area. But where the two conflict, the choice of racial affinity has prevailed in most cases over convenience.

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[20] *Id.*, at 822–23, 7 *Race Rel. L. Rep.* at 44 (1962).
[21] *Id.*, at 821, 7 *Race Rel. L. Rep.* at 43 (1962).
[22] *Id.*, at 824, 7 *Race Rel. L. Rep.* at 45 (1962).
[23] Rehearing denied, 302 F. 2d 824 (6th Cir. 1962); *cert. denied*, 370 U.S. 944 (1962).

The availability of the reassignment policy even in grades not then affected by the geographic assignment plan—still absent in the Nashville program—would provide a degree of flexibility that would enable Negroes who actively sought integration, and were prepared to cope with the higher academic standards of the white schools, to overcome the limitations of education in the generally less adequate educational programs in the Negro schools.[24]

Only the future could tell.

TEACHER COMPETENCE AND FACULTY INTEGRATION

Memphis shares with school systems all over the country the problem of finding Negro teachers whose preparation matches that of white teachers employed in the same system. A recent report from the Memphis superintendent of schools to the board announced that only 16 of 95 Negro applicants who had recently taken the national teachers' examination achieved scores equal to or above the minimum level required for employment of white teachers. And it is generally estimated that three-quarters or more of the Negro teachers entered the Memphis system on standards below those required for certification of white teachers.

Nor is Memphis unique in having this problem. Southern Negroes, trapped in segregated schools for all their education, produce their own teachers in schools inferior in every respect to white schools. The widespread efforts to improve school facilities in terms of buildings and equipment did not produce the same immediate results with respect to academic achievement levels and teaching skill in the Negro schools. Remedial academic programs to upgrade the quality of the Negro schools have been limited and, in the main, lack the resources, both monetary and human, to close the gap. Many Negroes, once they have obtained the security of teaching jobs, have sought to remedy the problem by seeking advanced degrees in integrated graduate schools of education, and many of them have vastly improved their skills by doing so. But they enter these graduate schools under the handicap of their own limited backgrounds, and the task for a lot of them is almost insurmountable.

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[24] The concept of permitting a combination of geographic assignment operating on a stair-step basis through the various grade levels and of separate opportunity for individual applications for reassignment to grades not yet geographically assigned appears in *Pettit* v. *Board of Education of Harford County*, 184 F. Supp. 452 (D. Md. 1960), 5 *Race Rel. L. Rep.* 379 (1960), and appears to be the thought which the Court of Appeals for the Third Circuit had in mind in *Evans* v. *Ennis*, 281 F. 2d 385 (3rd Cir. 1960), 5 *Race Rel. L. Rep.* 837 (1961), *cert. denied, sub. nom. Ennis* v. *Evans*, 364 U.S. 933 (1961), 5 *Race Rel. L. Rep.* 987 (1961).

Yet, with all this said, there are to be found in almost any school system some Negro teachers as able and skilled as many white teachers. A haunting problem for school administrators is the question of dealing with this sensitive question. Most have no wish to take steps likely to humiliate or frighten the Negro teachers. And they hesitate both to ask that Negro schools give up their strongest teachers for service on integrated faculties and to place white teachers on Negro faculties for fear that Negroes will misunderstand their motives in doing so.

Nevertheless, integration of teaching staffs remains an essential step which must be taken in time. It is indispensable as an aid in upgrading achievement levels in the schools which will remain all Negro for years to come because of residential segregation. And, as an ultimate constitutional question, it is essential that all teachers have access to any schools in a system without regard to race. But it was only in a few areas of the Upper South that the pattern of teacher integration had started to develop by 1962.

Unraveling the problem will take a long time and must be tackled on a variety of fronts. More Negroes interested in teaching must seek education in integrated institutions at every level. Most of the all-Negro colleges and universities will require major upgrading if they are to survive as constructive institutions. And remedial education programs—which cost vastly larger sums—must be made available, not only for Negroes but for all who suffer handicaps of social and economic isolation and educational disadvantage.

REMEDYING ACADEMIC DEFICIENCIES

The elaborate pilot projects aimed at remedial education of disadvantaged children—such as the Ford Foundation's great cities gray areas project and others in communities of the North and West—nowhere operated on such a scale in the South in 1962. Here and there, valiant efforts were being made with limited funds. But, measured against need of both Negroes and whites in the South, they were woefully inadequate.

Historically, educational standards in the South (and the resources to improve them) have lagged behind those of the rest of the country. But if the problems of disadvantaged children are perhaps most acute in the South, the same problems have become national ones which plague both the great urban slums and the remote rural areas of the North and West. And, unless attacked as national problems, it seemed unlikely in 1962 that any approach was likely to make much of a dent in them.

Memphis was a vigorous, fast-growing and increasingly prosperous community in 1962. And it had been working at improving its position relative to national educational norms. A report to the Memphis Board of Education in the spring of 1962 acknowledged the substantial differences in achievement levels between Negro and white schools. But the report also made another point worth noting. In 1960 only the first- and second-grade levels in the Negro schools were achieving at national norms. By the 1961–62 school year it was possible to report that Negroes in the first four grades were achieving at national average levels, a significant jump in that short period. The results still left much to be done, but a useful purpose was served in alerting the community to the job still ahead. Increased school desegregation in the years ahead would doubtless further the improvement, but alone it could not do the job. Many other remedial activities were also needed.

Summary

Memphis had, by 1962, broken sharply with many characteristics of its long past. Most of the breaks had occurred within the most recent 2-year period. They had taken place in an orderly manner, without great fanfare, and in ways which gave its citizens, Negro and white, reason for pride. It had not forgotten the best of its southern heritage, for it retained its friendliness, dignity, and essential decency. Like so many of its sister communities it was caught up in the major social revolution of the times, was beginning to make its adjustments to it, and showed every sign of having turned its face to the future rather than the past, which it and the rest of the South had resisted for so long. If it continues to face up to its problems and work constructively to solve them, a bright day lay ahead for the city.

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